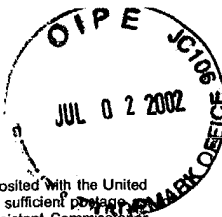


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Date: June 26, 2002

*S. McVean*  
Sonia V. McVean



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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Yuji IRIE

Serial No.: 09/917,993

Filed: July 30, 2001

Title: SURFACE ACOUSTIC WAVE DEVICE

Art Unit: 2834

Examiner: M. Budd

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**REQUEST FOR RECONSIDERATION**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Office Action dated April 8, 2002, please reconsider the above-identified application in view of the following remarks.

Claims 1-20 are pending in this application.

Claims 1-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Onishi et al. (U.S. 5,459,368), Tsuji et al. (U.S. 5,699,027) or Ueda et al. (U.S. 6,037,698) in view of Staudte (U.S. 3,969,640), Yachi et al. (U.S. 5,889,357) or Ikata et al. (U.S. 5,281,883). And claims 11-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Onishi et al., Tsuji et al. or Ueda et al. in view of Hafner et al. (U.S. 3,931,388) or Vig (U.S. 4,345,133). Applicant respectfully traverses these rejections.

Claim 1 recites:

"A surface acoustic wave device comprising:  
a surface acoustic wave element; and  
a package containing the surface acoustic wave element, the package including a main body having an opening and a hollow space

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therein, a cover provided on the upper surface of the main body of the package and arranged to close the opening portion of the main body of the package, signal electrodes arranged to transmit a signal input from the outside of the package and a signal output from the surface acoustic wave element, and a grounding electrode for grounding an unwanted electromagnetic wave generated inside the package; wherein

**an insulating joining material is arranged to join the main body of the package and the cover, a metallized electrode which is located above the signal electrodes and is not in contact with the signal electrodes and the insulating joining material is provided at a fixed location of the main body of the package, and the metallized electrode is arranged to be conductive to the grounding electrode."**  
(Emphasis added)

Claim 11 recites features that are similar to the features recited in claim 1, including the emphasized features.

For example, as seen in Fig. 1B of the present application, the metallized electrode 7 is located over the signal electrodes 6 and is not in contact with the signal electrodes 6 and the insulating joining material 15.

The Examiner alleged that Onishi, Tsuji and Ueda teach "the surface acoustic wave package structure except the metal is secured to the main body with a conductive joint, e.g. solder" as recited in claim 1 and a ceramic housing as recited in claim 11. Applicant respectfully disagrees.

In contrast to the present claimed invention and the Examiner's allegations, Onishi teaches a metallic grounding electrode 14 which is in **direct contact with** the conductive adhesive layer 15 which joins the main body 8 of the package and the cover 13, as seen in, for example, Fig 2 of Onishi. Thus, Onishi clearly fails to teach or suggest a metallized electrode which is "located above the signal electrodes and **is not in contact with the signal electrodes and the insulating joining material** is provided at a fixed location of the main body of the package" (emphasis added) as recited in claims 1 and 11 of the present application.

Similarly, Tsuji teaches a metallized grounding electrode 6 which is in **direct contact with** the solder 8 which joins the main body of the package to the cover 17, as seen in, for example, Figs. 1a and 2a of Tsuji. Thus, Tsuji clearly fails to teach or suggest a metallized electrode which is "located above the signal electrodes and **is not**

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**in contact with the signal electrodes and the insulating joining material** is provided at a fixed location of the main body of the package" (emphasis added) as recited in claims 1 and 11 of the present application.

Likewise, Ueda teaches an upper wiring pattern (metallized electrode) 37 which is in **direct contact with** the solder 8 which joins the main body of the package to the cover 4, as seen in, for example, Fig. 4 of Ueda. Thus, Ueda clearly fails to teach or suggest a metallized electrode which is "located above the signal electrodes and **is not in contact with the signal electrodes and the insulating joining material** is provided at a fixed location of the main body of the package" (emphasis added) as recited in claims 1 and 11 of the present application.

Staudte, Yachi and Ikata were relied upon merely to teach an insulating joining material. Staudte, Yachi and Ikata fail to teach or suggest any metallized electrode located above signal electrodes, and certainly fail to teach or suggest a metallized electrode which is "located above the signal electrodes and **is not in contact with the signal electrodes and the insulating joining material** is provided at a fixed location of the main body of the package" (emphasis added) as recited in the present claimed invention.

Hafner and Vig were relied upon merely to teach a ceramic housing. Hafner and Vig fail to teach or suggest any metallized electrode located above signal electrodes, and certainly fail to teach or suggest a metallized electrode which is "located above the signal electrodes and **is not in contact with the signal electrodes and the insulating joining material** is provided at a fixed location of the main body of the package" (emphasis added) as recited in present claimed invention.

Accordingly, Applicant respectfully submits that Onishi, Tsuji, Ueda, Staudte, Yachi, Ikata, Hafner and Vig, taken individually or in combination, fail to teach or suggest the unique combination and arrangement of elements recited in claims 1 and 11 of the present application.

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In view of the foregoing Amendments and Remarks, Applicant respectfully submits that Claims 1 and 11 are allowable over the prior art for the reasons described above. Claims 2-10 and 12-20 are dependent upon claims 1 and 11, respectively, and are therefore allowable for at least the reasons that claims 1 and 11 are allowable.

In view of the foregoing Remarks, Applicant respectfully submits that this Application is in condition for allowance. Favorable consideration and prompt allowance are respectfully solicited.

The Commissioner is authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1353.

Respectfully submitted,

Date: June 26, 2002

  
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